

**CITY COUNCIL MEETING
SEPTEMBER 24, 2002**

Date & Time On the 24th day of September, A.D., 2002, the City Council of the City of Fort Worth, Texas, met in regular session at 10:34 a.m. in the City Council Chamber, 1000 Throckmorton, with the following members and officers present:

Attendance Mayor Kenneth Barr; Mayor Pro tempore Ralph McCloud; Council Members Chuck Silcox, Frank Moss, Clyde Picht, Jeff Wentworth, and Wendy Davis; City Manager Gary Jackson; City Attorney David Yett; City Secretary Gloria Pearson. Council Members Jim Lane and Becky Haskin were absent. With more than a quorum present, the following business was transacted:

Invocation The invocation was given by Reverend Bernard Kern, Chair of the Interfaith Network for Peace with Justice.

Pledge The Pledge of Allegiance was recited.

Minutes On motion of Council Member Davis, seconded by Mayor Pro tempore McCloud, the minutes of the regular meeting of September 17, 2002, were approved unanimously.

Special Presentations Council Member Davis presented a Proclamation for Deaf Awareness Week to John Crumley, President of the Board of Directors of the Goodrich Center.

Announcements Council Member Moss announced the following meetings:

- a. September 25, 2002, 6:30 p.m. at Texas Wesleyan University to discuss the expansion of Rosedale from Highway 287 to IH820.
- b. September 25, 2002, 7:00 p.m. at the MLK Center, a Stop Six Neighborhood Forum
- c. September 28, 2002, 9:00 a.m. at Dunbar Middle School, 5100 Willie Street, the Second Neighborhood Celebration.
- d. September 28, 2002, 10:00 a.m. at Handley Meadowbrook Park, 6201 Beaty Street, a Handley Model Blocks Blitz

City Manager Jackson stated that the City would conduct the First Annual Hispanic Heritage Month celebration, September 27, 2002, from 11:30 a.m. to 1:30 p.m. at City Hall. He expressed appreciation to Marisol Treviso, Assistant to the City Manager, and members of the Hispanic Heritage Month committee for their hard work.

Withdrawn from Consent Agenda	<p>Council Member Picht requested that Mayor and Council Communication No. G-13747 be withdrawn from the consent agenda.</p> <p>Council Member Silcox requested that Mayor and Council Communication No. P-9675 be withdrawn from the consent agenda.</p>
Continued/ Withdrawn By Staff	<p>City Manager Jackson requested that Mayor and Council Communication No. L-13389 be continued for two weeks and that G-13728, G-13731, and C-19265 be withdrawn from the agenda.</p>
Consent Agenda	<p>On motion of Council Member Silcox, seconded by Mayor Pro tempore McCloud, the consent agenda, as amended, was adopted unanimously.</p>
OCS-1307 Claims	<p>There was presented Mayor and Council Communication No. OCS-1307 from the Office of the City Secretary recommending that the City Council refer notices of claims regarding alleged damages and/or injuries to the Finance/Risk Management Department. It was the consensus of the City Council that the recommendation be adopted.</p>
G-13728 Withdrawn	<p>It was the consensus of the City Council that Mayor and Council Communication No. G-13728, dated September 10, 2002, Broker of Record Agreement with Palmer & Cay of Texas, Inc., be withdrawn from the agenda.</p>
G-13728 Revised Broker of Record Agreement with Palmer & Cay of Texas, Inc.	<p>There was presented Mayor and Council Communication No. G-13728 Revised from the City Manager recommending that the City Council:</p> <ol style="list-style-type: none">1. Authorize the City Manager to execute a Broker of Record Agreement with Palmer & Cay of Texas, Inc. to act as the City's broker to complete the current October 1, 2002 renewal marketing, placement, and delivery of property and boiler and machinery insurance policies at a reduced commission rate of eight percent for providing this service; and2. Authorize this agreement to begin September 1, 2002, and expire upon delivery of the property and boiler and machinery policies to the City; and3. Authorize the City Manager to execute a Broker of Record Agreement with William Rigg Company as the City's broker to provide consulting and brokerage services associated

with the placement and administration of all property and casualty insurance policies (with the exception of the October 1, 2002 renewal of the property and boiler and machinery policies to be handled by Palmer and Cay of Texas, Inc.) for an annual fee not to exceed \$60,000.00 for the first year's service; and

4. Authorize the City Manager to execute an agreement with William Rigg Company and its subcontractor, the Jenkins Agency, for claims services to include a claim review for general liability insurance coverages, for a fixed fee not to exceed \$6,000.00; and
5. Authorize this Broker of Record Agreement with William Rigg Company to begin October 1, 2002, and expire September 30, 2003, with options to renew for two successive one-year periods.

Council Member Moss made a motion, seconded by Council Member Davis, that the recommendation be adopted. The motion carried unanimously.

**G-13731
Withdrawn**

It was the consensus of the City Council that Mayor and Council Communication No. G-13731, dated September 10, 2002, Adoption of Fiscal Year 2002-2003 Schedule of Rates and Charges for City of Fort Worth Airports, be withdrawn from the agenda.

**G-13731 Revised
Delayed Until
After Executive
Session**

There was presented Mayor and Council Communication No. G-13731 Revised from the City Manager recommending that the City Council adopt the proposed FY2002-2003 Schedule of Rates and Charges for the City of Fort Worth airports. Council Member Picht made a motion, seconded by Council Member Silcox, that action on the M&C be delayed until after the Executive Session. The motion carried unanimously.

Public Hearing

The City Council, at its meeting of September 17, 2002, continued the public hearing for a request for variance from Section 4-4 of the City Code to allow sale of alcoholic beverages at Smart and Final Mart located at 1203 Oak Grove Road. Mayor Barr asked if there was anyone present desiring to be heard.

Ms. Marcella Olson, Assistant City Attorney, appeared before Council, gave a staff report, and called attention to Mayor and Council Communication No. G-13740, as follows:

**G-13740
Variance from
Section 4-4 of
City Code
Prohibiting Sale
of Alcoholic
Beverages at
Smart & Final
Mart**

There was presented Mayor and Council Communication No. G-13740, dated September 17, 2002, from the City Manager recommending that the City Council approve the request from Mr. Billy Lewis, on behalf of Smart and Final Mart, located at 1203 Oak Grove Road, for a variance from Section 4-4 of the City Code prohibiting the sale of alcoholic beverages within 300 feet of a church.

There being no one else present desiring to be heard in connection with the request of variance form Section 4-4 of the City Code to allow sale of alcoholic beverages at Smart and Final Mart located at 1203 Oak Grove Road, Mayor Pro tempore McCloud made a motion, seconded by Council Member Silcox, that the public hearing be closed and that Mayor and Council Communication No. G-13740 be adopted by amending the variance to include a provision that it be exclusive to Mr. Lewis or his family. The motion carried unanimously.

**G-13744
Moving Expense
Payment to
Frances Baltzelle
for FW Alliance
Airport Noise
Mitigation
Program**

There was presented Mayor and Council Communication No. G-13744 from the City Manager recommending that the City Council authorize a moving expense payment to Mrs. Frances Baltzelle related to the acquisition of a single-family residential property located at 1304 Westport Parkway, Haslet, Texas, for the Fort Worth Alliance Airport Noise Mitigation Program (DOE 3531) for an amount not to exceed \$700.00. It was the consensus of the City Council that the recommendation be adopted.

**G-13745
Laboratory Fee
Schedule for
Laboratory
Services**

There was presented Mayor and Council Communication No. G-13745 from the City Manager recommending that the City Council approve the laboratory fee schedule for laboratory analysis for use by the Water Department, Centralized Laboratory to recover costs for services provided by other entities, effective October 1, 2002. It was the consensus of the City Council that the recommendation be adopted.

**G-13746
Ord. #15253
Revise
Wholesale
Water,
Wastewater, &
Raw Water
Service Rates**

There was presented Mayor and Council Communication No. G-13746 from the City Manager recommending that the City Council adopt Ordinance No. 15253 amending Sections 35-56(g) and 35-56(h) of Chapter 35 of the Code of the City of Fort Worth (1986), as amended, by revising and adding certain rates and charges. It was the consensus of the City Council that the recommendation be adopted.

**G-13747
Ord. #15254
Revise Retail
Water &
Wastewater
Rates**

There was presented Mayor and Council Communication No. G-13747 from the City Manager recommending that the City Council adopt Ordinance No. 15254 amending Sections 35-56(b), 35-56(c), and 35-56(d) of Chapter 35 of the Code of the City of Fort Worth (1986), as amended, by revising and adding certain rates and charges.

Council Member Picht stated that he was opposed to increasing the cost to customers when the City was unable to approve a tax cut this year.

Council Member Wentworth made a motion, seconded by Council Member Davis, that Mayor and Council Communication No. G-13747 be adopted. The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Moss, Wentworth, and
Davis

NOES: Council Members Silcox and Picht

ABSENT: Council Members Lane and Haskin

**G-13748
Reimburse
Hillwood
Residential
Services, LP**

There was presented Mayor and Council Communication No. G-13748 from the City Manager recommending that the City Council approve reimbursement of \$34,342.52 to Hillwood Residential Services, LP for street improvements along a portion of park land in Heritage Addition. It was the consensus of the City Council that the recommendation be adopted.

**G-13749
Res. #2871
Employ George
Staples as Legal
Counsel to
Represent Board
of Adjustment in
Hearing on
Appeal by Clear
Channel Outdoor**

There was presented Mayor and Council Communication No. G-13749 from the City Manager recommending that the City Council retain George Staples, attorney at law, as outside legal counsel to represent the Board of Adjustment in a hearing on the appeal by Clear Channel Outdoor of a decision by a City Official to deny a permit for repair of a damaged off-premises sign located at 6501 East Rosedale Street, pursuant to Chapter VI, Section 3 of the City Charter; and adopt Resolution No. 2871 providing that, as far as practicable, the sum to be paid to George Staples for his services in this matter will not exceed \$3,000.00. It was the consensus of the City Council that the recommendation be adopted.

Public Hearing

It appeared that the City Council set today as the date for a public hearing for a street name change and adoption of an ordinance changing the name of Galaxy Way to Aviator Way, north of Flight Line Road. Mayor Barr asked if there was anyone present desiring to be heard.

Mr. John Garfield, representing the Development Department, appeared before Council, gave a staff report, and called attention to Mayor and Council Communication No. G-13750, as follows:

**G-13750
Continued for
One Week**

There was presented Mayor and Council Communication No. G-13750 from the City Manager recommending that the City Council conduct a public hearing regarding the proposed street name change; and adopt an ordinance changing the name of "Galaxy Way" to "Aviator Way", north of Flight Line Road, Fort Worth, Texas, to its terminus at a cul-de-sac.

Council Member Picht stated that the street name should honor a Fort Worth aviator and not be so generic in nature and requested further consideration of this item.

There being no one else present desiring to be heard in connection with a street name change and adoption of an ordinance changing the name of Galaxy Way to Aviator Way, north of Flight Line Road, Council Member Picht made a motion, seconded by Council Member Moss, that the public hearing be continued for one week to allow staff time to return to Council with a recommendation on renaming the street in honor of a Fort Worth aviator. The motion carried unanimously.

**P-9673
Backup Digital
Voice Logging
System**

There was presented Mayor and Council Communication No. P-9673 from the City Manager recommending that the City Council authorize the sole source purchase of a Backup Digital Voice Logging System from CVDS, Inc. for the Fire Department in the amount of \$27,480.00, with payment terms due 30 days from the date of the invoice. It was the consensus of the City Council that the recommendation be adopted.

**P-9674
Intrusion Alarm
Service/Warranty
Repair,
Maintenance &
Upgrade of
Radionic
Intrusion Alarm
Systems**

There was presented Mayor and Council Communication No. P-9674 from the City Manager recommending that the City Council authorize a purchase agreement with Sentinel the Alarm Company to service warranty/repair, maintenance and upgrade of Radionic Intrusion Alarm Systems for various City buildings with payments due 30 days after the date of the invoice; and authorize this agreement to begin September 24, 2002, and expire September 23, 2003, with a renewal option of up to three successive one-year terms. It was the consensus of the City Council that the recommendation be adopted.

**P-9675
Continued for
Two Weeks**

There was presented Mayor and Council Communication No. P-9675 from the City Manager recommending that the City Council:

- 1. Authorize a purchase agreement with James Enterprise for janitorial service and supplies for buildings occupied by the Transportation and Public Works Department, Facilities Management Division, Police Department, Code Compliance Department, Cable Office, Construction Engineering, Electronics, and the Environmental Management Department based on the overall low bid of unit prices listed below:**
 - Janitorial service and supplies shall be provided for \$10.38 per hour; and**
 - Stripping and waxing of floors without moving furniture shall be provided for \$0.0975 per square foot; and**
 - Stripping and waxing of floors with the moving of furniture shall be provided for \$0.1120 per square foot; and**
 - Payment term are net 30 days; and**
- 2. Authorize this agreement to begin October 1, 2002, and expire September 30, 2003, with options to renew for four successive one-year periods.**

Council Member Silcox expressed concern regarding the recommended minimum wage to be paid under this contract and the 30 day payment terms.

Mr. Robert Combs, Purchasing Manager, stated that specifications for this contract were prepared by the Building Services Division of the Transportation/Public Works Department and that the specifications required custodial contractors to pay their employees the median rate.

After a lengthy discussion, Council Member Davis made a motion, seconded by Council Member Silcox, to continue M&C P-9675 for two weeks. The motion carried unanimously.

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| P-9676
Paperback
Books | There was presented Mayor and Council Communication No. P-9676 from the City Manager recommending that the City Council authorize a purchase agreement with Ingram Library Services, Inc. for paperback books for the Library Department based on best discount from list price with shipping included in the unit cost and payment due 30 days after receipt of the invoice; and authorize this agreement to begin October 1, 2002, and expire September 30, 2003, with options to renew for four successive one-year periods. It was the consensus of the City Council that the recommendation be adopted. |
| P-9677
Vehicle
Maintenance
Rotation List | There was presented Mayor and Council Communication No. P-9677 from the City Manager recommending that the City Council authorize the approval of a vehicle maintenance rotation list with multiple vendors for the Equipment Services Department based upon the maximum dollar limits and terms with payment due within 30 days of the date the invoice is received; and authorize these agreements to begin October 1, 2002, and expire September 30, 2003, with options to renew for four successive one-year periods. It was the consensus of the City Council that the recommendation be adopted. |
| P-9678
Chevy Impalas | There was presented Mayor and Council Communication No. P-9678 from the City Manager recommending that the City Council authorize the purchase of 33 Chevy Impalas from Lawrence Marshall Chevrolet for the Police Department, at a cost not to exceed \$568,855.00, with payment due within 30 days of the date of the invoice with freight included in the unit price. It was the consensus of the City Council that the recommendation be adopted. |
| P-9679
Ord. #15255
1,250 GPM
Pumper Trucks
& Supporting
Equipment | There was presented Mayor and Council Communication No. P-9679 from the City Manager recommending that the City Council:

1. Authorize the purchase of four 1,250 GPM (gallons per minute) pumper trucks and supporting equipment from General Safety Equipment, LLC for the Fire Department at a cost not to exceed \$1,525,505.20, with payment due the date the invoice is received and freight is included in the unit price; and

2. Adopt Appropriation Ordinance No. 15255 estimated receipts and appropriations in the New Equipment Purchases Fund in the amount of \$1,525,505.20 to be |

obtained through the City's Equipment Note Program approved on February 9, 1999, (M&C G-12462) by Ordinance No. 13701 for the purpose of funding four 1,250 gallons per minute pumper trucks and supporting equipment from General Safety Equipment, LLC for the Fire Department.

Council Member Picht made a motion, seconded by Mayor Pro tempore McCloud, that the recommendation be adopted. The motion carried unanimously.

**L-13389
Continued for
Two Weeks**

It was the consensus of the City Council that Mayor and Council Communication No. L- 13389, dated August 20, 2002, Adoption of a Joint Resolution and Agreement with the City of Aledo to Apportion Overlapping Extraterritorial Jurisdiction, to Release Land Located in the Extraterritorial Jurisdiction of Fort Worth to the City of Aledo, and to Accept Land Released from the Extraterritorial Jurisdiction of Aledo, be continued for two weeks.

**L-13405
Underground
License
Agreement with
Lake Worth
Lessee David
Mosby**

There was presented Mayor and Council Communication No. L- 13405 from the City Manager recommending that the City Council authorize the City Manager to enter into an underground license agreement with Lake Worth lessee David Mosby, in the amount of \$1.00, for the installation and maintenance of a private water line through a portion of City owned Lake Worth property described as part of the D. E. Norton Survey, Abstract No. 1174, Fort Worth, Texas. It was the consensus of the City Council that the recommendation be adopted.

**L-13406
Accept Land
from Hillwood
Alliance
Residential, LLP
for Park
Dedication**

There was presented Mayor and Council Communication No. L- 13406 from the City Manager recommending that the City Council accept 2.583 acres of land described as Lot 37, Block 17, in the Samuel P. Williams Survey, Abstract No. 1690, City of Fort Worth, Tarrant County, Texas, and being a portion of that Tract 6 of land as described by deed to Hillwood Alliance Residential, LLP, formerly known as Hillwood/2500, LYD, for a park dedication known as Heritage Addition. It was the consensus of the City Council that the recommendation be adopted.

**C-19252
Worker's
Assistance
Program, Inc.**

There was presented Mayor and Council Communication No. C- 19252 from the City Manager recommending that the City Council authorize an annual contract with Worker's Assistance Program, Inc., in an amount not to exceed \$80,000.00, to enhance the City's current Employee Assistant Program (EAP) based on their demonstrated competence and qualifications to perform the

services; and authorize this agreement to begin September 24, 2002, and expire September 23, 2003, with options to renew for three successive one-year periods. It was the consensus of the City Council that the recommendation be adopted.

**C-19253
All-Tex Paving,
Inc.**

There was presented Mayor and Council Communication No. C-19253 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with All-Tex Paving, Inc. in the amount of \$763,940.00 for hot mix asphaltic concrete (HMAC) Surface Overlay 2002-20 for 60 working days. It was the consensus of the City Council that the recommendation be adopted.

**C-19254
Ord. #15256
TxDOT**

There was presented Mayor and Council Communication No. C-19254 from the City Manager recommending that the City Council:

1. Adopt Appropriation Ordinance No. 15256 increasing estimated receipts and appropriations in the Contract Street Maintenance Fund in the amount of \$38,438.96 from the Texas Department of Transportation (TxDOT) for the purpose of funding equipment for traffic signals; and
2. Authorize the City Manager to execute an agreement with TxDOT for the furnishing of traffic signal equipment at seven locations along IH-30 (Tom Landry Highway) from Beach Street to Bridgewood Drive.

It was the consensus of the City Council that the recommendation be adopted.

**C-19255
Amendment #2
to CSC #27555 –
A.N.A.
Consultants,
L.L.C.**

There was presented Mayor and Council Communication No. C-19255 from the City Manager recommending that the City Council authorize the City Manager to execute Amendment No. 2 to City Secretary Contract No. 27555 with A.N.A. Consultants, L.L.C., in the amount of \$43,990.00, to provide for additional design and survey services, thereby increasing the contract amount to \$178,150.00. It was the consensus of the City Council that the recommendation be adopted.

**C-19256
Dannenbaum
Engineering
Corporation**

There was presented Mayor and Council Communication No. C-19256 from the City Manager recommending that the City Council authorize the City Manager to execute an engineering agreement with Dannenbaum Engineering Corporation, in the amount of \$226,406.99, for Sanitary Sewer Replacement Contract LIII (53). It was the consensus of the City Council that the recommendation be adopted.

**C-19257
Wendy Lopez &
Associates, Inc.
d/b/a
LopezGarcia
Group**

There was presented Mayor and Council Communication No. C-19257 from the City Manager recommending that the City Council authorize the City Manager to execute an engineering agreement with Wendy Lopez & Associates, Inc. d/b/a LopezGarcia Group, in the amount of \$95,483.00, for Water and Sanitary Sewer Replacement Contract 2002 STM-K. It was the consensus of the City Council that the recommendation be adopted.

**C-19258
Various
Municipalities**

There was presented Mayor and Council Communication No. C-19258 from the City Manager recommending that the City Council authorize the City Manager to execute interlocal agreements with various municipalities/entities for participation at the Environmental Collection Center. It was the consensus of the City Council that the recommendation be adopted.

**C-19259
Ord. #15257
Texas
Commission on
Environmental
Quality**

There was presented Mayor and Council Communication No. C-19259 from the City Manager recommending that the City Council:

1. Authorize the City Manager to execute an Interlocal Agreement with the Texas Commission on Environmental Quality, formerly the Texas Natural Resource Conservation Commission, in the amount of \$271,222.00 per year, for air pollution control services; and
2. Authorize this agreement to begin September 1, 2002, and expire August 31, 2003; and
3. Authorize a non-interest bearing inter-fund loan from the Environmental Management Fund to the Grants Fund in the amount of \$67,806.00 for interim financing for this agreement; and
4. Authorize the use of \$133,587.00 from the General Fund as an in-kind match for this agreement; and
5. Adopt Appropriation Ordinance No. 15257 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$271,222.00 subject to the receipt of an executed contract with the Texas Commission on Environmental Quality, for the purpose of funding air pollution control services; and

- 6. Apply indirect costs, applying the most recently approved rate of 16.88 percent for the Environmental Management Department, not to exceed \$40,760.00 per year which is included in the annual agreement amount of \$271,222.00.**

It was the consensus of the City Council that the recommendation be adopted.

**C-19260
Ord. #15258
Ord. #15259
Amendment #4
to TxDOT
Routine Airport
Maintenance
Program Grant**

There was presented Mayor and Council Communication No. C-19260 from the City Manager recommending that the City Council:

- 1. Authorize the City Manager to execute Amendment No. 4 to the Texas Department of Transportation (TxDOT) Routine Airport Maintenance Program Grant increasing the grant amount from \$20,184.70 to \$43,653.20; and**
- 2. Authorize the transfer of \$11,826.60 from the escrow account to the revenue account in the Municipal Airports Fund bringing the City's share for this project to \$21,826.60; and**
- 3. Adopt Appropriation Ordinance No. 15258 increasing estimated receipts and appropriations in the Municipal Airports Fund in the amount of \$11,826.60 from available escrow funds for the purpose of funding the City's match under a grant from the Texas Department of Transportation for the Routine Airport Maintenance Program at Fort Worth Spinks Airport; and**
- 4. Authorize the transfer of \$11,826.60 from the Municipal Airports Fund to the Grants Fund for the City's match; and**
- 5. Adopt Appropriation Ordinance No. 15259 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$23,653.20 subject to the receipt of a grant from the Texas Department of Transportation, for the purpose of funding improvements to existing pavement and pavement markings for Fort Worth Spinks Airport.**

It was the consensus of the City Council that the recommendation be adopted.

**C-19261
Ord. #15260
Supplemental
Agreement #1 to
CSC #2844 –
Army Corps of
Engineers**

There was presented Mayor and Council Communication No. C-19261 from the City Manager recommending that the City Council:

- 1. Authorize the City Manager to execute Supplemental Agreement No. 1 to City Secretary Contract No. 2844 with the United States of America, Army Corps of Engineers for the restoration of the grounds at the former Van Zandt Reserve Training Center; and**
- 2. Adopt Appropriation Ordinance No. 15260 increasing estimated receipts and appropriations in the General Fund in the amount of \$10,832.00 subject to receipt of payment from the United States of America, Army Corps of Engineers, for the purpose of funding the restoration of the grounds at the former Van Zandt Army Reserve Training Center for the Parks and Community Services Department.**

It was the consensus of the City Council that the recommendation be adopted.

**C-19262
Ord. #15261
U.S. Equal
Employment
Opportunity
Commission**

There was presented Mayor and Council Communication No. C-19262 from the City Manager recommending that the City Council:

- 1. Authorize the City Manager to execute a contract with the U.S. Equal Employment Opportunity Commission in an amount up to \$152,000.00; and**
- 2. Adopt Appropriation Ordinance No. 15261 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$152,000.00 from available funds, for the purpose of funding a contract with the U.S. Equal Employment Opportunity Commission; and**
- 3. Authorize a non-interest bearing interfund loan from the General Fund to the Grants Fund in the amount of \$50,667.00 for interim financing for this grant pending contract execution to ensure a smooth transition from one grant funding period to another.**

Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that the recommendation be adopted. The motion carried unanimously.

**C-19263
FWISD**

There was presented Mayor and Council Communication No. C-19263 from the City Manager recommending that the City Council authorize the City Manager to execute an agreement with the Fort Worth Independent School District (FWISD) to operate the Fort Worth After-School Program at selected schools as a juvenile crime prevention measure.

Council Member Moss informed Council that he had filed a Conflict of Interest Affidavit with the City Secretary, and would abstain from voting.

Council Member Davis expressed a desire to see the formulation of a plan of action in terms of a review process for service provider selection.

Council Member Picht requested assurances that the funding provided to the school district would be well spent and accounted for in light of the district's recent construction and finance problems.

City Manager Jackson advised the City Council of a planned joint meeting of the Council and the School Board of Trustees to be held later in the fall.

Mayor Pro tempore McCloud made a motion, seconded by Council Member Wentworth, that the recommendation be adopted. The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Silcox, Picht,
Wentworth, and Davis

NOES: None

ABSENT: Council Members Lane and Haskin

NOT VOTING: Council Member Moss

**C-19264
Ord. #15262
Ord. #15263
Tarrant Regional
Water District**

There was presented Mayor and Council Communication No. C-19264 from the City Manager recommending that the City Council:

1. Authorize the City Manager to enter into an interlocal agreement with Tarrant Regional Water District to accept a donation, in the amount of \$50,000.00, for construction of a Water Demonstration Garden to promote efficient water use at the Fort Worth Botanic Gardens; and

- 2. Adopt Appropriation Ordinance No. 15262 increasing estimated receipts and appropriations in the Water and Sewer Fund in the amount of \$50,000.00 from available funds for the purpose of funding construction of a Water Demonstration Garden at the Fort Worth Botanic Gardens; and**
- 3. Authorize the transfer of \$150,000.00 from the Water and Sewer Fund to the Special Trust Fund; and**
- 4. Adopt Appropriation Ordinance No. 15263 increasing estimated receipts and appropriations in the Special Trust Fund in the amount of \$150,000.00 from available funds, for the purpose of funding a Water Demonstration Garden.**

Mr. Dale Fisseler, Director of Water Department, appeared and advised Council that this project was moving the xeriscape garden from the Rolling Hills Treatment Plant to the Fort Worth Botanic Garden. The demonstration garden was a way to demonstrate water-efficient irrigation practices.

Council Member Wentworth made a motion, seconded by Council Member Silcox, that the recommendation be adopted. The motion carried unanimously.

**C-19265
Withdrawn**

It was the consensus of the City Council that Mayor and Council Communication No. C-19265, Agreement with Downtown Fort Worth Initiatives, Inc. for the Maintenance and Landscape Services for Burnett Park, be withdrawn from the agenda.

**Public Hearing
709 Grainger
Street
HS-89-78**

It appeared that the City Council set today as the date for a public hearing for the Appeal of the Order of the Building Standards Commission regarding 709 Grainger Street. Mayor Barr asked if there was anyone present desiring to be heard.

Mr. Carl Smart, Code Compliance Director, appeared before Council, gave a staff report regarding property located at 709 Grainger Street, and requested that Council uphold the decision of the Building Standards Commission to grant a 30 day extension with an expiration date of September 30, 2002.

Bob Strickland

Mr. Bob Strickland, 2700 Mission, appeared before Council and expressed opposition to the civil penalty. He advised that much of the repairs had been completed and that since most of the violations were minor repairs that he did not see what work would require him to get a permit.

City Manager Jackson requested that staff meet with Mr. Strickland to clarify for him what types of repairs require permits.

There being no one else present desiring to be heard in connection with the Appeal of the Order of the Building Standards Commission regarding 709 Grainger Street, Council Member Davis made a motion, seconded by Council Member Moss, that the public hearing be closed and that Council modify the decision of the Building Standards Commission by assessing a repair order only. The motion carried unanimously.

Council Member Davis requested that staff check the zoning on this property and the parking requirements.

**Citizen
Presentations
Darlia Hobbs**

Ms. Darlia Hobbs, 8113 Anchorage Place, appeared before Council and expressed opposition to the action taken by Council in forced annexations. She further advised that this would have an adverse affect on and reduce services provided to the current citizens of Fort Worth.

**Executive
Session**

It was the consensus of the City Council that they recess into Executive Session at 11:23 a.m. to:

1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules:

- a) Bradley Hickey et al v. City of Fort Worth, Cause No. 348-185345-00;**
- b) Jim Tate, J.R. Sullivan, Landon Stallings, Pat Vasquez, and Don Westmoreland v. City of Fort Worth, Cause No. 348-194395-02;**
- c) Malinda Marie Spence v. City of Fort Worth, et al, Cause No. 17-183600-00;**
- d) Legal issues concerning junk motor vehicles and storage;**
- e) Legal issues concerning any City Council agenda item;**

**as authorized by Section 551.071 of the Texas Government Code;
and**

2. Deliberate the purchase, sale, lease, or value of real property in accordance with Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party; and
3. Deliberate concerning economic development negotiations as authorized by Section 551.087 of the Texas Government Code; and
4. Deliberate the deployment, or specific occasions for implementation, of security personnel or devices, in accordance with Section 551.076 of the Texas Government Code.

Reconvened The City Council reconvened into regular session at 1:05 p.m.

G-13731 Revised Fiscal Year 2002-2003 Schedule of Rates and Charges for FW Airports There was presented Mayor and Council Communication No. G-13731 Revised, from the City Manager recommending that the City Council adopt the proposed FY2002-2003 Schedule of Rates and Charges for the City of Fort Worth airports. Council Member Davis made a motion, seconded by Council Member Wentworth, that the recommendation in paragraphs two and three of the Adjustment of Rates and Charges section of the Proposed Schedule of Rates and Charges be deleted and the following language be substituted:

“Property rental rates (land and hangars) be adjusted each year by the upward percentage change in the CPI for the Dallas/Fort Worth Metropolitan Area as announced by the United States Department of Labor during any preceding twelve month period. All long-term building and land leases that are let after December 1, 2000, will provide for an adjustment to the rental rate on the 10th, 15th, 20th, and 25th anniversary of the Effective Date to reflect the then prevailing rate for the appropriate category as approved by the Council and published in the Schedule of Rates and Charges.”

The motion carried unanimously.

Adjournment There being no further business, the meeting was adjourned at 1:07 p.m.